

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

SAMMY ELJAMAL,

CHAPTER 11

Case No.: 15-22872 (rdd)

Debtor.
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NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of the appellant(s):

SAMMY ELJAMAL

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Plaintiff

☒ Debtor

☐ Defendant

☐ Creditor

☐ Other (describe)_____

☐ Trustee

☐ Other (describe)_____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: ORDER PURSUANT TO 11 U.S.C. § 1104(a)(2) DIRECTING THE APPOINTMENT OF A CHAPTER 11 TRUSTEE

2. State the date on which the judgment, order, or decree was entered: June 6, 2017

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Office of the United States Trustee
Attorney: Paul Schwartzberg, Esq.
U.S. Federal Office Building
201 Varick Street, Room 1006
New York, NY 10014
(212) 510-0500
2. Party: Sammy Eljamal
Attorney: Anne Penachio, Esq.
Penachio Malara, LLP
Attorneys for the Debtor
235 Main Street, Suite 610
White Plains, NY 10601
(914) 946-2889
3. Parties: New York Fuel
Holdings, LLC, Metro NY Dealer
Stations, LLC, NY Dealer Stations
Management, LLC and NY Fuel
Distributors, LLC
Attorney: Jonathan D. Kraut, Esq.
Harfenist, Kraut & Perlstein LLP
3000 Marcus Avenue, Suite 2E1
Lake Success, NY 11042
(516) 355-9600
4. Party: Brent Coscia
Attorney: Marc Stuart Goldberg, Esq.
Marc Stuart Goldberg, LLC
670 White Plains Road, Suite 121
Scarsdale, NY 10583
(914) 725-8200
5. Parties: Leon Silverman, Wilton
Motiva Associates, LLC, Wholesale
Fuel Distributors-CT, LLC and
Connecticut Dealer Stations, LLC
Attorney: Robert L. Rattet, Esq.
202 Mamaroneck Avenue, Suite 300
White Plains, NY 10601
(914) 381-7400

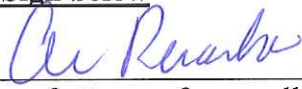
6. Party: Centralized Management Systems, Inc.
Attorney: Yenisey Rodriguez McCloskey, Esq.
Rodriguez-McCloskey PLLC
300 Cadman Plaza W, Fl 12
Brooklyn, New York 11201
(347) 689-7641

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. §158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ✓ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel

Part 5: Sign below



Signature of attorney for appellant(s) (or
appellant(s) if not represented by an attorney)

Date: 

Name, address and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Anne Penachio
Penachio Malara, LLP
235 Main Street, Suite 610
White Plains, NY 10601
(914) 946-2889

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
In re	:	Chapter 11
	:	
SAMMY ELJAMAL	:	Case No. 15-22872 (RDD)
	:	
Debtor.	:	
-----	x	

**ORDER PURSUANT TO 11 U.S.C. § 1104(a)(2) DIRECTING THE
APPOINTMENT OF A CHAPTER 11 TRUSTEE**

Upon the motion, dated March 7, 2017, ECF No. 469 (the "Trustee Motion"), of the United States Trustee for an order pursuant to 11 U.S.C. § 1104(a)(2) directing the appointment of a Chapter 11 trustee in this case; and, after due and sufficient notice of the Trustee Motion, upon the Joinder of the Official Committee of Unsecured Creditors to the Trustee Motion, dated April 4, 2017, ECF No. 495, the Joinder of Leon Silverman to the Trustee Motion, dated April 5, 2017, ECF No. 500, the Affirmation and Amended Affirmation of Anne Penachio in Opposition to the Trustee Motion, dated May 1, 2017, ECF Nos. 576 and 577, the Debtor's Memorandum of Law in Opposition to the Trustee Motion, dated May 1, 2017, ECF No. 578, the Objection of Centralized Management Services, Inc. to the Trustee Motion, dated May 1, 2017, ECF No. 579, the Declaration of Brent Coscia in Support of the Trustee Motion, dated May 2, 2017, ECF No. 580, the Joinder to the Trustee Motion by Fuel Holdings, LLC, Metro NY Dealer Stations, LLC NY Dealer Stations Management, LLC and NY Fuel Distributors, LLC, ECF No. 586, and all other pleadings filed in this case related to the Trustee Motion; and upon the record of the hearings held by the Court on the Trustee Motion, including the hearing held on June 5, 2017 (the "Hearing"); and, after due deliberation and for the reasons set forth on the record at the

Hearing, the Court having determined that the appointment of a chapter 11 Trustee is warranted pursuant to 11 U.S.C. § 1104(a)(2); and no additional notice or hearing being required, it is hereby

ORDERED that the Trustee Motion is granted; and it further

ORDERED that pursuant to 11 U.S.C. § 1104(a)(2), the United States Trustee is directed to appoint a chapter 11 trustee with all the rights, powers and duties authorized under 11 U.S.C. § 1106.

Dated: White Plains, New York
June 6, 2017

/s/ Robert D. Drain
HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE